

REMARKS/ARGUMENTS

After the foregoing amendments, Claims 1 – 4, 7, 16, and 22 – 28 are currently pending in this application. Claims 29 and 30 have been canceled without prejudice. Claim 23 has been amended to place it in condition for allowance. Applicants submit that no new matter has been introduced into the application by these amendments.

Allowable Subject Matter

The Examiner is thanked for indicating that claims 23 – 28 would be allowable if rewritten in independent form. Claim 23 has been rewritten accordingly and, thus, claim 23 is currently in condition for allowance. Applicants respectfully submit that because claims 24 – 28 are dependent upon allowable claim 23 (as amended), claims 24 – 28 should also be allowed at least as dependent upon an allowable base claim. Reconsideration of these claims is respectfully requested.

Claim Rejections - 35 USC § 112

Claims 1 – 4, 7, 16, and 22 – 28 stand rejected under 35 U.S.C. 112, first paragraph, as failing to enable. Applicants respectfully submit that support for *optical recognition of physical characteristics of the customer*, as recited in independent claims 1 and 16, is found in paragraph [0016] of the originally-filed specification. More specifically, paragraph [0016] describes an alternative to an information medium or data exchange with the customer. As stated, a common

CCD camera could *individualize the customers* during their purchases and, when returning the shopping carts, *re-recognize* them. In the context of this individualization of the customers being an alternative to an information medium or data exchange with the customer, it would be clear to one of ordinary skill in the art that such individualization is related to the recognition of *physical characteristics* of the customer.

Thus, Applicants respectfully submit that claims 1 and 16 are enabling and, therefore, are currently in condition for allowance. Applicants further respectfully submit that because claims 2 – 4 and 7 are dependent upon allowable claim 1, and claim 22 is dependent upon allowable claim 16, 2 – 4, 7, and 22 should also be allowed at least as dependent upon allowable base claims. As explained above, claims 23 – 28 are currently in condition for allowance. Accordingly, withdrawal of the 35 U.S.C. 112 rejection of claims 1 – 4, 7, 16, and 22 – 28 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1 – 4, 7, 16, and 22 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,206,165 to Lenander in view of U.S. Patent No. 6,704,039 to Pena. Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over the art of record for at least the reasons set forth below.

Independent claim 1 is directed to a method and claim 16 is directed to a system that detects and rewards the return of shopping carts to collection points at a shopping center by assigning a first signal to a certain customer by identifying or individualizing the customer by *optical recognition of physical characteristics of the customer*.

In contrast, Pena relates to telecommunication and financial transactions, and discloses a system in which subscribers are *identified by a form* that is read by OCR technology. Column 23, lines 10 – 12. In other words, it is the *form* that is recognized, not the face of the subscriber. The subscriber's photo may be taken as an added layer of security protection for both the store *and the subscriber*. Column 23, lines 45 – 47. In other words, a photo may be taken to expose a fraudulent purchaser, but the system of Pena does not identify the subscriber by photo to facilitate financial transactions. Pena neither discloses nor suggests assigning a first signal to a certain customer by identifying or individualizing the customer by *optical recognition of physical characteristics of the customer*.

As noted in section 4 of the Office Action, Lenander fails to recite each and every feature of independent claims 1 and 16.

Thus, because each of independent claims 1 and 16 includes limitations that are neither disclosed nor suggested by Lenander or Pena, alone or in combination, *prima facie* obviousness cannot be established based on the cited references. Accordingly, Applicants respectfully submit that claims 1 and 16 should be allowed. Applicants further respectfully submit that because claims 2 – 4 and 7 are dependent upon allowable claim 1, and claim 22 is dependent upon allowable claim 16, 2 – 4, 7, and 22 should also be allowed at least as dependent upon allowable base claims. Accordingly, withdrawal of the 35 U.S.C. 103 rejection of claims 1 – 4, 7, 16, and 22 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned at the Examiner's convenience.

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Application No.: 10/019,142

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 1 – 4, 7, 16, and 22 – 28, is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

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